

U.S. Department  
of Transportation

United States  
Coast Guard



Marine Safety Office  
Portland, Oregon

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# **Guide for Submitting and Updating a Letter of Intent and a Facility Operations Manual to the U.S. Coast Guard required by 33 CFR Part 154**

[www.uscg.mil/d13/units/MSOPortland](http://www.uscg.mil/d13/units/MSOPortland)

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# Introduction

This guide was prepared by the United States Coast Guard Marine Safety Office Portland, Oregon, Facility Inspection Section to assist facility owners and operators in preparing and submitting a Letter of Intent and Facility Operations Manual. Title 33 Code of Federal Regulations Part 154 Subpart C (33 CFR 154) contains the regulations regarding the submission process and this guide will provide clarification and examples of how to comply with these regulations.

This guide is strictly a reference and is not a substitute for the regulations. You must read and understand the current regulations to ensure your Facility Operations Manual meets all applicable regulations. Additionally, this guide only addresses federal regulations. You will need to contact state and/or local authorities for any additional requirements for your facility.

It is highly recommended that you have a current copy of the federal regulations available to you when you prepare your Letter of Intent and/or your Facility Operations Manual. Hard copies of 33 CFR Part 154 are available by contacting the U.S. Government Printing Office Bookstore located in downtown Portland at 1305 SW First Ave, Portland, OR. Their phone number is 503-221-7826 and their fax number is 503-225-0563. If you have Internet access, you can also view the current regulations at [www.access.gpo.gov](http://www.access.gpo.gov).

This guide is for your use and benefit and may be reproduced without permission. If you have any questions or comments, please feel free to contact the Facility Inspection Section, Coast Guard Marine Safety Office Portland, at 503-240-9333. If you have Internet access, you can also find additional information on the Coast Guard Marine Safety Office Portland's web site at [www.uscg.mil/d13/units/MSOPortland](http://www.uscg.mil/d13/units/MSOPortland).

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# 1

## General Requirements and Definitions

### What Facilities must comply with these regulations

Regulation: 33 CFR 154.100 Applicability.

The regulation states “each facility that is capable of transferring oil or hazardous materials, in bulk, to or from a vessel, where the vessel has a total capacity, from a combination of all bulk products carried, of 39.75 cubic meters (250 barrels) or more.” What this means is, if your facility transfers to or from a vessel with a total bulk capacity of 250 barrels (10,500 gals) or more of product, you are required to comply with these regulations.

For example:

- 1) A transfer of 100 gallons of lube oil to a vessel with a total oil capacity of 20,000 gallons is a regulated transfer. You must have a Letter of Intent and an approved Facility Operations Manual on file with the Captain of the Port in order to conduct this transfer.
- 2) A transfer of 9,000 gallons of diesel fuel to a vessel with a total oil capacity of 9,500 gallons is not a regulated transfer. You must still report any spills and take necessary precautions but you are not required to have a Letter of Intent and an approved Facility Operation Manual on file.

There are only two exceptions to this regulation: facilities in a caretaker status and offshore facilities operating under the jurisdiction of the Secretary of the Department of Interior.

### Caretaker Status

Regulation: 33 CFR 154.105 Definitions

The regulations in 33 CFR Part 154 allows a facility to enter what is called a “Caretaker Status.” Caretaker Status is defined as “a facility where all piping, hoses, loading arms, storage tanks, and related equipment in the marine transfer area are completely free of oil or hazardous materials, where these have been certified as being gas free, where piping, hoses, and loading arms terminating near any body of water have been blanked and where the facility operator has notified the COTP that the facility will be in caretaker status.”

Simply put, all of the facility’s product handling and storage systems must be emptied of all products and certified gas free. You are also required to notify the Captain of the Port in writing that the facility will be in a caretaker status.

Once a facility is in caretaker status, no transfers of any kind can be conducted by that facility. In order for a facility to be removed from caretaker status, the facility owner or operator must notify the Captain of the Port, in writing, 60 days prior to the date they wish to make the facility operational.

## **Fixed vs. Mobile Facility**

Regulation: 33 CFR 154.100 Applicability  
33 CFR 154.105 Definitions

As previously discussed, 33 CFR Part 154 applies to all facilities that transfer to or from a vessel with a total capacity of 250 barrels or more. The regulations go further by breaking facilities up into two categories. The first category is an onshore or offshore “fixed” facility, and the second category is a mobile facility.

The definition of a “fixed” facility is, “either an onshore or offshore facility, except for an offshore facility operating under the jurisdiction of the Secretary of the Department of Interior, and includes, but is not limited to, structure, equipment, and appurtenances thereto, used or capable of being used to transfer oil or hazardous material to or from a vessel or public vessel. Also included are facilities that tank clean or strip and any floating structure that is used to support an integral part of the facility’s operation. A facility includes federal, state, municipal, and private facilities.” In other words, any fixed or permanently moored structure capable of transferring to or from any vessel is a “fixed” facility.

The definition of a mobile facility is, “any facility that can readily change location, such as a tank truck or tank car, other than a vessel or public vessel.”

The differences between a “fixed” facility and a mobile facility are very important, especially when it comes to the Letter of Intent and the Facility Operations Manual. Some of the regulations apply to “fixed” facilities but do not apply to mobile facilities. A complete list of what regulations a mobile facility must comply with is listed in 33 CFR 154.100(d).

## **Documents that must be submitted to the Coast Guard**

Regulation: 33 CFR 154.110 Letter of intent  
33 CFR 154.300 Operations manual

Once you have determined that your facility must meet the requirements of 33 CFR Part 154, you are required to submit a Letter of Intent and two copies of a Facility Operations Manual to the Captain of the Port 60 days before beginning the intended operation. A shorter period of time may be allowed by the Captain of the Port.

Once the Letter of Intent and Facility Operations Manual is submitted, the Captain of the Port reviews and hopefully approves your Facility Operations Manual. Only then will you be able to operate your facility. Remember, unless you have an approved Facility Operations Manual and a current Letter of Intent on file with the Captain of the Port, you and your facility will be subject to civil and/or criminal penalties if you conduct any transfers.

The Letter of Intent will be explained further in Chapter 2 and the Facility Operations Manual will be outlined in Chapter 3.

### **Alternative procedures, methods or equipment standards**

Regulation: 33 CFR 154.107

The regulations in 33 CFR Part 154 were written in order to provide an adequate level of environment protection when conducting transfers. But sometimes the requirements are not feasible for a given facility. In order to address this, the regulations allow the Captain of the Port to “consider and approve alternative procedures, methods, or equipment standards to be used by a facility operator in lieu of any requirement of this part...” In simple terms it may be impracticable to comply with a specific regulation and you feel you have an equivalent or better way of doing something, you may request an alternative from the Captain of the Port.

In order for the Captain of the Port to consider your request for an alternative you must prove:

- 1) Compliance with the requirement is economically or physically impractical;
- 2) The alternative provides an equivalent level of safety and protection from pollution by oil or hazardous material, which is documented in the request; and
- 3) The facility operator submits a written request for the alternative.

The Captain of the Port will make final approval or disapproval action on the request within 30 days of receipt of the request provided the above information is properly included in the request. Provide detailed information in your request, the more detailed the better.

## **Facility Examinations**

Regulation: 33 CFR 120

Facility examinations will generally occur once a year and will include a review of your Facility Operations Manual, various test records, and a physical inspection of your dock and/or transfer equipment. A facility examination will usually be scheduled with you at least a week in advance so you have a chance to prepare your records and facility for the examination.

Occasionally the Coast Guard will make unannounced examinations and monitors of your transfer operations. You are required by law to allow the Coast Guard access to your facility at any time and to perform any test requested by the Coast Guard to determine compliance with 33 CFR Parts 154 and 156.

Once the examination has been completed, you will be provided with written results of the examination. This written report will list any deficiencies found and what corrective action is necessary. This report must be kept as part of your facilities records as required in 33 CFR 154.740.



# 2

## Letter of Intent

### The Letter of Intent

Regulation: 33 CFR 154.110 Letter of intent

The Letter of Intent is an important but sometimes misunderstood document. The regulations state a “facility operator of any facility to which this part applies must submit a letter of intent to operate a facility or to conduct mobile facility operations to the Captain of the Port not less than 60 days before the intended operations unless a shorter period is allowed by the Captain of the Port.”

The Letter of Intent is one of the first steps you need to complete before operating your facility. The letter must be sent to the Captain of the Port at least 60 days before you intend to start operations and must be accompanied by two copies of your Facility Operations Manual. The Facility Operations Manual will be described in Chapter 3.

The Letter of Intent can be in any form but must contain:

- 1) The names, addresses, and telephone numbers of the facility operator and the facility owner;
- 2) The name, address, and telephone number of the facility or, in the case of a mobile facility, the dispatching office; and
- 3) Except for a mobile facility, the geographical location of the facility in relation to the associated body of navigable waters.

An example of a Letter of Intent is included at the end of this chapter.

### Keeping the Letter of Intent Current

Regulation: 33 CFR 154.110 Letter of intent

The Letter of Intent you have on file with the Captain of the Port must be kept current. The facility operator, “shall within five (5) days advise the Captain of the Port in writing of any changes of information and shall cancel, in writing, the letter for any facility at which transfer operations are no longer conducted.”

It is very important the information on the letter remains current. The letter should be reviewed periodically to ensure it is correct, especially if there has been a change in the owner or operator of the facility.

## Sample Letter of Intent

ABC Oil Company  
1234 Any Street  
Portland, OR 97211

February 24, 1999

Captain of the Port  
U.S. Coast Guard Marine Safety Office  
6767 N. Basin Ave.  
Portland, OR 97217

Dear Captain of the Port,

Please accept this as our Letter of Intent to operate a facility capable of transferring oil or hazardous materials in bulk to or from a vessel with a capacity of 250 barrels or more. The following information is provided to your office under the provisions of Title 33, Code of Federal Regulations, Part 154.110;

Facility Owner: ABC Oil Company  
1234 Any Street  
Portland, OR 97211  
503-555-1212

Facility Operator: XYZ Distributing Company  
5678 North Avenue  
Portland, OR 97212  
503-555-1212

Facility Information: ABC-XYZ Marine Terminal  
1 Waterfront Way  
Portland, OR 97213  
503-555-1212

Geographic Location: The facility is located on the east side of the Willamette River, at river mile 3.4, in the City of Portland, OR. The location is at 46° 13' 05" N by 125° 51' 23" W.

*(Note: Geographic Location is NOT required for Mobile Facilities.)*

Sincerely,

I. M. DeBoss  
President



# Operations Manual

## General Operations Manual Requirements

Regulation: 33 CFR 154.300 Operations Manual: General  
33 CFR 154.325 Operations Manual: Procedures for examination

The Operations Manual is an important part of becoming an operating facility. The manual is the primary source of information for everything, from how to conduct a transfer at your facility start to finish, to what to do if there are any problems. The complexity of the manual depends on the complexity of your facility. If you have a small facility with only one or two transfer stations, or are a mobile facility, then your manual will only be a handful of pages. But, if you are a large facility, your manual will be longer.

The regulations state the, “facility operator of each facility to which this part applies shall submit, with the letter of intent, two copies of an Operations Manual that:”

- 1) Describes how the applicant meets the operating rules and equipment requirements prescribed by this part and 33 CFR Part 156;
- 2) Describes the responsibilities of personnel under this part and 33 CFR Part 156 in conducting transfer operations;
- 3) Includes translations into a language or languages understood by all designated persons in charge of transfer operations employed by the facility.

Simply put, your Operations Manual must explain how your facility’s equipment and procedures meet the requirements, explain the duties of each person involved in conducting the transfer and must be in a language they understand. As stated earlier, it is only as complicated as your facility.

The facility operator must also keep the Operations Manual current and readily available for examination by the Captain of the Port. The Captain of the Port is required to examine your Operations Manual when submitted, after any substantial amendment, or when otherwise required (i.e., such as when your annual examination is conducted).

When your Operations Manual is reviewed, the Captain of the Port will consider the size, complexity, and capability of your facility while determining whether the manual meets the requirements of 33 CFR Part 154 and 33 CFR Part 156. Once the Captain of the Port determines your Operations Manual meets the requirement, one copy of the Operations Manual will be returned marked with “Examined by the Coast Guard.”

Once your Operations Manual is approved, you must ensure a sufficient number of the approved manual, including translations if required, are available for each facility person in charge while conducting transfer operations.

## Contents of the Operations Manual

Regulation: 33 CFR 154.310 Operations manual: Contents

The following 23 items are the heart and soul of your Operations Manual and are required to be addressed, even if it does not apply. If a particular item does not apply to your facility, simply state that in your manual. As an example, if your facility does not have loading arms then, under the loading arm section in your manual, state “This facility does not have any loading arms.”

Each required item will be broken down and an example provided. If an item does not apply to a Mobile Facility, or if the requirements are different for a Mobile Facility, it will be identified.

### 1. Geographic location of the facility

Regulation: 33 CFR 154.310(a)(1)

In section 1 you are required to give the geographic location of your facility. This is basically the same information that you put in your Letter of Intent. It should include the physical address of the facility, latitude and longitude, and the location in relation to the associated body of navigable waters.

A Mobile Facility should use the dispatch office for their physical address. A Mobile Facility does not have to provide the latitude and longitude or the location in relation to the associated body of navigable waters information. You should list the names of the geographic regions where you conduct transfers (i.e. Port of Portland, Port of Vancouver, WA, Coos Bay, etc....)

Example:

1. Geographic location of the facility is:

ABC-XYZ Marine Terminal  
1 Waterfront Way  
Portland, OR 97213  
503-555-1212

The facility is located on the east side of the Willamette River, at river mile 3.4, in the City of Portland, OR. The locations is at 46° 13' 05 N by 125° 51' 23" W.

## **2. Physical description of the facility**

Regulation: 33 CFR 154.310(a)(2)

In section 2 you are required to give a complete physical description “of the facility including a plan and/or plans, maps, drawings, aerial photographs or diagrams, showing the boundaries of the facility subject to Coast Guard jurisdiction, mooring areas, transfer locations, control stations, wharfs, the extent and scope of the piping subject to the tests required by §156.170(c)(4) of this chapter, and the locations of safety equipment.”

In other words, you must provide a written physical description and a copy of the plot plan, a map or a line drawing of your facility with the following items identified:

- 1) Physical boundaries of the facility,
- 2) Show the boundary line for Coast Guard jurisdiction,
- 3) Mooring areas,
- 4) Transfer locations,
- 5) Location of control stations,
- 6) Wharfs,
- 7) Piping system regulated by the Coast Guard,
- 8) Location of required safety equipment, and
- 9) Number and capacities of storage tanks.

Mobile Facilities must provide brief description of their equipment and a representative line diagram or a photo of one of their vehicles with the following items identified:

- 1) Location of control stations,
- 2) Location of emergency shutdown,
- 3) Location of safety equipment, and
- 4) Location of firefighting equipment.

Example for a “fixed” facility:

2. Physical description of the facility:

The ABC-XYZ Marine Terminal resides on 20 acres on the East bank of the Willamette River in Portland, OR. This facility handles various types of bulk fuels and regularly transfers these bulk fuels to barges for transport up river.

The mooring area consists of a 250-foot long concrete dock with wooden bumpers located along the face of the dock and one cleat at each end of the dock. There are also two dolphins located 375 feet from the center of the dock with cleats. The length of the largest vessel this facility can accommodate is 680 feet.

The transfer station consists of two manifolds located at the center point of the dock with the control station located inside the personnel shelter next to the manifold, as indicated on the facility diagram.

Safety equipment consists of five Coast Guard approved life jackets, located in the personnel shelter, and six life rings located every fifty feet along the dock. There are also three 20# portable fire extinguishers, one at each end and one in the personnel shelter, along with a 2 inch fire hose located in the center of the dock.

This facility has three 40,000-barrel capacity, aboveground storage tanks located inside the tank farm that are filled from a interstate pipeline. The dock piping system on the facility runs from the tanks, through the containment berm and down to the dock. This facility does not have any pumps so all of the transfers are done using gravity.

Facility diagrams are located in Appendix A.

Example for a Mobile Facility:

2. Physical description of the facility:

The transfer operations are conducted by truck-mounted tanks with a capacity of 4,000 gallons at various locations in the greater Portland and Vancouver areas. We currently have four of these trucks working in this area.

The control station and hose connections are located on the left side of the vehicle at the center of the tank.

Each truck is equipped with two U.S. Coast Guard approved life jackets and one life ring. These items are located behind the driver’s seat in the cab on the truck. Each truck is also equipped with two 20# portable fire extinguishers, one mounted in the cab and one mounted at the rear of the vehicle.

Diagrams on the trucks are located in Appendix A.

### 3. Hours of operation

Regulation: 33 CFR 154.310(a)(3)

Under this regulation you are required to list your facilities hours of operation.

Example:

3. Hours of operation:

ABC-XYZ Marine Terminal normally operates 16 hours a day, seven days a week, between the hours of 0800 to 2400. An answering service is available after hours for emergency dispatch.

### 4. Size, type and number of vessels

Regulation: 33 CFR 154.310(a)(4)

This regulation requires you to list the “sizes, types, and number of vessels that the facility can transfer oil or hazardous material to or from simultaneously.” In this section you would simply identify what your facility could handle as a maximum at one time.

Note: Just because your facility could handle transfers to two or more vessels simultaneously does not exempt you from the Person-In-Charge limitations in 33 CFR Part 156.

Example for a “fixed” facility:

4. Size, type and number of vessels:

ABC-XYZ Marine Terminal can only handle one tank barge or tank ship at a time with a maximum length of 650 feet and a maximum depth of 85 feet.

Example for a Mobile Facility:

4. Size, type and number of vessels:

ABC-XYZ Marine Terminal can only transfer to one vessel at a time. Generally we transfer to tug boats, tow boats, fishing vessels and other commercial vessels that varying in size from 100 ft to 1100 ft in length, depending on the location of the transfer.

## 5. Product information

Regulation: 33 CFR 154.310(a)(5)

In this section of your Operations Manual you need to provide the following information for each product you transfer at your facility:

- 1) Generic or chemical name;
- 2) The name of the cargo as listed under appendix II of annex II of MARPOL 73/78, Table 30.25-1 of 46 CFR 30.25-1, Table 151.05 of 46 CFR 151.05-1, or Table 1 of 46 CFR part 153;
- 3) A description of the appearance of the cargo;
- 4) A description of the odor of the cargo;
- 5) The hazards involved in handling the cargo;
- 6) Instructions for safe handling of the cargo;
- 7) The procedures to be followed if the cargo spills or leaks, or if a person is exposed to the cargo; and
- 8) A list of fire fighting procedures and extinguishing agent effective with fires involving the cargo.

Most, if not all, of this information can be obtained through your supplier or from the Material Safety Data Sheets (MSDS) for the product. If you so desire, you may place the applicable MSDS in an appendix and reference them in this section of your Operations Manual.

Example:

5. Product information:

ABC-XYZ Marine Terminal regularly transfers the following products in bulk:

Unleaded Gasoline  
Diesel Fuel No. 2  
JP-4 (Jet Fuel)

Information on the appearance, odor, hazards, instructions for safe handling, procedures for spills, leaks or exposures, and fire fighting procedures and agents for each of the products handled by this facility is available on the MSDS for the product. Copies of the MSDS are located in Appendix B of the manual.



## 6. Minimum number of personnel on duty during a transfer and their duties

Regulation: 33 CFR 154.310(a)(6)

Under this regulation you are required to specify the minimum number of facility personnel that are required to be on duty during a transfer operation and what their duties will be during the transfer.

Example:

### 6. Minimum number of personnel on duty during a transfer and their duties:

ABC-XYZ Marine Terminal will have a minimum of three personnel on duty during any transfer operation. Two personnel will be on station on the dock at the transfer location for each simultaneous transfer operation. One person will be the designated Person-In-Charge (PIC) of the transfer and the second person will be a helper to assist the PIC. The third person will be located in the tank farm.

#### **Duties of the Person-In-Charge**

1. The PIC will be at the site of the transfer operation and be immediately available to the vessel's oil transfer personnel.
2. The PIC will have a current copy of the Operations Manual in his possession and be familiar with its contents.
3. The PIC will conduct all transfers in accordance with the Operations Manual.
4. The PIC will complete the "Declaration of Inspection" prior to start the transfer.
5. The PIC will maintain communications with vessel personnel and other facility personnel and respond to any emergencies.
6. The PIC will NOT be involved with any other duties or activities not related to the transfer operation, while conducting a transfer.

#### **Duties of the helper**

1. Assist the PIC as directed.
2. Assist in monitoring the transfer system for leaks.

#### **Duties of the Tank Farm personnel**

1. Maintain communications with PIC on the dock.
2. Start or stop the flow of the products as directed by the PIC on the dock.
3. Gauge tanks as required during the transfer operation.
4. Assist the PIC during emergencies.

## 7. Names and numbers of who to call in an emergency

Regulation: 33 CFR 154.310(a)(7)

You need to place the “name and telephone number of the qualified individual identified under §154.1026 of this part and the title and/or position and telephone number of the Coast Guard, State, local, and other personnel who may be called by the employees of the facility in an emergency” in this section.

This section should be the only place your facility personnel should have to look to find an emergency telephone number for facility management, government agencies, response contractors and anyone else they should contact. If your facility borders on two jurisdictions, be sure to include both telephone numbers. As an example, if your facility is on the Columbia River in Oregon, you would need to also include the telephone numbers for Washington State.

You are also required to identify your Qualified Individual (QI) in this section. In order to do this you may have a separate listing for the QIs or place “QI” next to their name if they are already part of the emergency telephone number list.

Example:

7. Names and numbers of who to call in an emergency:

U.S. Coast Guard	National Response Center (Spill Reports) Captain of the Port – Portland	800-424-8802 503-240-9301
Oregon	Oregon Emergency Management From Washington State Department of Environmental Quality	800-452-0311 503-378-6377 503-229-5263
Washington	Department of Emergency Management Dept of Ecology	800-258-5990 360-407-6300
Local	Police Department Fire Department	911 911
Spill Contractor	ABC Spill Clean-up (Dispatch)	800-555-1212
ABC-XYZ Marine Terminal	I.M. DeBoss, President <b>(QI)</b>  I.M. DeBoss Jr., Vice-President <b>(QI)</b>  Noel Spill, Facility Manager	503-555-1212 (Office) 503-666-1212 (Home) 503-777-1212 (Cell)  503-111-1212 (Office) 503-222-1212 (Home) 503-333-1212 (Cell)  503-444-1212 (Office) 503-888-1212 (Home)

## 8. Duties of the Watchman for unmanned vessels

Regulation: 33 CFR 154.310(a)(8)

This regulation applies only if a watchman is “required by §155.810 of this chapter and 46 CFR 35.05-15, for unmanned vessels moored at the facility.” 33 CFR 155.810 further states “The vessel operator of each tank vessel that contains more oil than the normal clingage and unpumpable bilge or sump residues in any cargo tank shall maintain surveillance of that vessel by using a person who is responsible for the security of the vessel and for keeping unauthorized persons off the vessel.”

In simple terms, if the vessel has more than normal clingage (residues inside the tank) and unpumpable bilge or sump residues, you must not leave the vessel unattended. A separate watchman is not required if there is a Person-In-Charge present or if a transfer operation is taking place.

A watchman can be anyone from a contract Security Officer to an employee of the facility or an employee of the vessel.

Example:

### 8. Duties of the Watchman for unmanned vessels:

If an unmanned vessel will remain moored at ABC-XYZ Marine Terminal with more than normal clingage and unpumpable bilge or sump residues, a contract Security Officer will be provided. Their duties are as follows:

1. Check the vessels moorings every 30 minutes,
2. Maintain a fire watch,
3. Prevent any unauthorized personnel from boarding the vessel,
4. Check the vessel for any signs of listing or taking on water, and
5. Check around the vessel for any signs of leaking.
6. The watchman will immediately notify facility and/or vessel personnel of any discrepancies found using the radio provided.

Second example:

### 8. Duties of the Watchman for unmanned vessels:

This section does not apply since this facility does not allow unmanned vessels to remain moored to our dock at any time.

## 9. Description of each communication system required by this part

Regulation: 33 CFR 154.310(a)(9)

You are required by this regulation to simply describe each communication system you are required to use during a transfer operation.

Example for a “fixed” facility:

9. Description of each communication system required by this part:

ABC-XYZ Marine Terminal’s Person-In-Charge will maintain constant voice communication with the Person-In-Charge of the vessel, the helper on the dock, and the facility personnel in the tank farm. Facility provided two-way radios will be the primary means of communication.

The radios provided by the facility meet the Class1, Division 1, Group D requirements defined in 46 CFR 110.80 for intrinsically safe radios.

A telephone system is also provided between the dock, main office, and the tank farm control center.

A communications check will be made each hour to verify proper operation.

Example for a Mobile Facility:

9. Description of each communication system required by this part:

Communications between the truck Person-In Charge and the Person-In-Charge of the vessel will be by voice and in English.

## 10. Location and facilities of each personnel shelter

Regulation: 33 CFR 154.310(a)(10)

In this section describe the location and facilities of any personnel shelters available to your facility personnel during a transfer operation.

Example for a “fixed” facility:

10. Location and facilities of each personnel shelter:

There is one personnel shelter located on our dock next to the transfer manifold. The shelter is equipped with lights, radios, telephone, electric heater and a restroom.

Example for a Mobile Facility:

10. Location and facilities of each personnel shelter:

Generally the only shelter that may be available to the transfer personnel is if there is a shelter on the dock where a transfer operation is taking place.

**11. Description and instructions for the use of drip and discharge collection and vessel slop reception facilities:**

Regulation: 33 CFR 154.310(a)(11)

This regulation requires you to describe your drip and discharge collection system and to provide instructions for their use. You are also required by this regulation to provide information on your vessel slop reception facilities, if you have any.

Example for a “fixed” facility:

11. Description and instructions for the use of drip and discharge collection and vessel slop reception facilities:

The dock at ABC-XYZ Marine Terminal has a fixed concrete collection sump located under the transfer manifold area. The sump has a 300-gallon capacity and is fitted with an automatic pump that will transfer the contents to an onshore storage tank for further processing.

This facility does not have the capability to receive vessel slops directly but does provide access to a contracted Vacuum Truck service that is certified to receive slops.

Example for a Mobile Facility:

11. Description and instructions for the use of drip and discharge collection and vessel slop reception facilities:

Each of our trucks is equipped with a permanently installed drip and discharge collection system under the transfer connections on the vehicle. This containment system has a drain on the bottom and is drained into a pail. The contents of the pail are then transferred to a waste oil drum mounted on the vehicle.

Also each of our trucks are equipped with a sufficient number of portable 5-gallon pails or drip pans that can be placed under each hose connection to catch any drips or discharges. Any product collected in these pails or drip pans is poured back into the tank of the truck.

Our trucks do not have the capability to receive vessel slops.

## 12. Description and the location of each emergency shutdown system

Regulation: 33 CFR 154.310(a)(12)

Under this regulation you are to provide a, “description and the location of each emergency shutdown system” on your facility and used during a transfer operation. This regulation does not apply if your facility only receives products from a vessel, and the vessel uses their own pumps, **and** your facility does not transfer products to a vessel. If your facility only receives products and has one-way check valves installed, you should mention this in this section.

Example for a “fixed” facility:

### 12. Description and the location of each emergency shutdown system:

The emergency shutdown system at ABC-XYZ Marine Terminal dock consists of a manually operated valve located at the transfer manifold and a remotely controlled Motor Operated Valve (MOV), located at the shore side entrance to the dock, and activated by one of two push-button switches. One switch is located in the personnel shelter next to the transfer manifold on the dock and the second switch is located at the shore side entrance to the dock. There is an automatic back-up power system for the MOV so it may still be operated in the event of a power failure.

Using the manually operated valve at the transfer manifold, the maximum time it will take for facility personnel to shutdown the transfer operation is 15 seconds. The maximum time to shutdown the transfer operation using the emergency shutdown switches for the MOV is 20 seconds.

Example for a Mobile Facility:

### 12. Description and the location of each emergency shutdown system:

The emergency shutdown system installed on our tank trucks consists of a manually operated, internal, self-closing valve located in the tank and is remotely activated by a pull cord located at each end of the vehicle. The maximum time to shutdown the transfer operation using the emergency shutdown system is 10 seconds.

Example for a facility that only receives product:

### 12. Description and the location of each emergency shutdown system:

This facility only receives products from vessels and does not transfer any products to vessels therefore we do not have an emergency shutdown system. Our piping system is fitted with a one way check valve at the transfer manifold to prevent back flow.

The one way check valve will close automatically within 5 seconds.

### 13. Monitoring Devices

Regulation: 33 CFR 154.310(a)(13)

If the Captain of the Port has required your facility to install monitoring devices then in this section you would include, “quantity, type, location, and instructions for use of monitoring equipment required by §154.525.”

If your facility is not required to install monitoring devices then provide a statement to that effect.

Example:

13. Monitoring Devices:

The Captain of the Port does not require ABC-XYZ Marine Terminal to install any monitoring devices.

### 14. Quantity, type, location, and instructions for use, and time limits for gaining access to containment equipment

Regulation: 33 CFR 154.310(a)(14)

This regulation requires you to list, “Quantity, type, location, and instructions for use, and time limits for gaining access to containment equipment required by §154.545.” You will need to review 33 CFR 154.545 in order understand the requirements for quantity, type, location, and time limits for gaining access to containment equipment.

In order to give you a better idea of the requirements in 33 CFR 154.545, and to help you identify how much equipment you will need, the four main highlights of 33 CFR 154.545 are listed below:

- a) 33 CFR 154.545(a) states, “Each facility must have ready access to enough containment material and equipment to contain any oil or hazardous material discharged on the water from operations at that facility.”
- b) 33 CFR 154.545(b) states, “For the purpose of this section, “access” may be by direct ownership, joint ownership, cooperative venture, or contractual agreement.”

- c) 33 CFR 154.545(c) requires each facility to establish time limits, subject to approval by the COTP, for deployment of the containment material and equipment required by paragraph (a) of this section considering:
  - (1) Oil or hazardous material handling rates;
  - (2) Oil or hazardous material capability susceptible to being spilled;
  - (3) Frequency of facility operations;
  - (4) Tidal and current conditions;
  - (5) Facility age and configurations; and
  - (6) Past record of discharges.
- d) 33 CFR 154.545(c) states “The COTP may require a facility to surround each vessel conducting an oil or hazardous material transfer operation with containment material before commencing a transfer operation if—
  - (1) The environmental sensitivity of the area requires the added protection;
  - (2) The products transferred at the facility pose a significant threat to the environment;
  - (3) The past record of discharges at the facility is poor; or
  - (4) The size or complexity of the transfer operation poses a significant potential for a discharge of oil or hazardous material; and
  - (5) The use of vessel containment provides the only practical means to reduce the extent of environment damage.”

The translation of the regulation requires you to, at a minimum, have enough containment equipment of the proper type easily accessible at, or near your facility to contain any oil or hazardous material that may be spilled. You can own the equipment directly, jointly with another facility, be a member of a cooperative or contract the equipment from a clean-up contractor. You can also have a mix of the above sources of equipment so for example you can own some equipment and contract the rest.

There is no set formula under the Facility Operations Manual regulations to determine the type and quantity of containment materials you will need. You should base it upon industry standards for a facility of your size and capacity, and the Facility Response Plan regulations contained in 33 CFR Part 154, Subpart F.



Example for a “fixed” facility:

14. Quantity, type, location, and instructions for use, and time limits for gaining access to containment equipment:

ABC-XYZ Marine Terminal maintains the following containment equipment at our facility. Additional equipment is available within one hour from our clean-up contractor, ABC Spill Clean-up Company, and will be operated by their personnel. An inventory of equipment available from ABC Spill Clean-up Company is contained in Appendix D.

Item	Access time	Location
1 - 16 foot response boat	<b>Immediate</b>	Floating dock
<b>Instructions for use:</b> <i>Ensure all proper P.P.E. is in good service and in use. Steering, throttle, and direction control instructions are located on the center console. Use in accordance with safe boating practice.</i>		
1300 ft of 20 inch American Marine Boom	<b>Immediate</b>	Floating dock
<b>Instructions for use:</b> <i>Boom shall be deployed as instructed in Appendix C, Facility Booming Plan.</i>		
1300 ft. of 20 inch American Marine Boom	<b>Immediate</b>	Response Trailer
<b>Instructions for use:</b> <i>Boom shall be deployed as instructed in Appendix C, Facility Booming Plan.</i>		
5 - 42 lb. Danforth Anchors	<b>Immediate</b>	Floating dock
2 - Tow Bridles w/ Plates	<b>Immediate</b>	Floating dock
60 - Boom toggle Pins	<b>Immediate</b>	Floating dock
5 - Boom Lights (battery powered)	<b>Immediate</b>	Floating dock
<b>Instructions for use:</b> <i>Anchoring system for the boom shall be deployed in accordance with Appendix C, Facility Booming Plan, utilizing the above equipment.</i>		

The following additional items are immediately available on the facility.

Qty	Item	Location
5	Boxes (or bales) Sorbent Pads	Spill response trailer
20 ft.	5 inch chicken wire	Spill response trailer
2 pr.	Hip Boots	Spill response trailer
2 rolls	#18 wire	Spill response trailer
1	Side cutters	Spill response trailer
1 box	Neoprene gloves	Spill response trailer
12 pr.	Cotton gloves	Spill response trailer
2	Shovels	Spill response trailer
2	Rakes	Spill response trailer
2	Flashlights	Spill response trailer
6	Life Jackets	Spill response trailer
1	First Aid Kit	Spill response trailer
2	32 gallon trash cans	Spill response trailer
1	Push Broom	Spill response trailer
3	VHF Radios	Plant Office
2	Boxes of Rags	Spill response trailer
2 rolls	600 ft. 3/8” Rope	Floating dock & Spill response trailer

Example for a Mobile Facility:

14. Quantity, type, location, and instructions for use, and time limits for gaining access to containment equipment:

Each truck is equipped with a spill kit that is immediately available and contains the following items:

Qty	Item
20	Sorbent pads
1	50' Sorbent boom
1	5 lb. bag absorbent granules
2 boxes	Rags
3 pr	Neoprene Gloves
1 box	Trash bags
1	Shovel
1	Push broom
1	Intrinsically safe lantern w/extra batteries
1	First Aid kit

Instructions for the use of the equipment is permanently mounted inside the lid of the spill kit. Additional materials can be brought from our dispatch yard within one hour and/or supplied by our clean-up contractor, ABC Spill Clean-up, within one hour. Our clean-up contractor will also supply additional personnel if needed.

## **15. Quantity, type, location, and instructions for use of fire extinguishing equipment.**

Regulation: 33 CFR 154.310(a)(15)

In order to determine the type and quantity of fire extinguishing equipment you will need for your facility, you will have to review 33 CFR 154.735(d).

This cite requires, “A sufficient number of fire extinguishers approved by an independent laboratory listed in 46 CFR 162.028-5 for fighting small, localized fires are in place throughout the facility and maintained in a ready condition.”

Basically it is up to you to determine how many fire extinguishers you need for your facility, subject to the approval of the COTP. As for the requirement for extinguishers to be, “approved by an independent laboratory”, this simply means the extinguisher must be approved by an approved authority such as Underwriters Laboratory (UL).

Example for a “fixed” facility:

15. Quantity, type, location, and instructions for use of fire extinguishing equipment:

ABC-XYZ Marine Terminal has placed three 20 pound dry chemical fire extinguishers on the dock, one located at each end of the dock and one located in the personnel shelter. There are six additional 20 pound dry chemical fire extinguishers located along the ramp to the dock and at the shore side approach to the dock. Instructions for use are printed on a label attached to the fire extinguishers and also provided below.

Instructions for use:

- 1) Remove the extinguisher from the holder
- 2) Stand a safe distance from the fire
- 3) Hold extinguisher upright, pull pin
- 4) Stand back, aim at base of fire
- 5) Depress lever and sweep side to side.

Example for a Mobile Facility:

15. Quantity, type, location, and instructions for use of fire extinguishing equipment:

Each truck is equipped with two 20 pound dry chemical fire extinguishers, one mounted in the cab and one mounted at the rear of the vehicle. Instructions for use are printed on a label attached to the fire extinguishers and also provided below.

Instructions for use:

- 1) Remove the extinguisher from the holder
- 2) Stand a safe distance from the fire
- 3) Hold extinguisher upright, pull pin
- 4) Stand back, aim at base of fire
- 5) Depress lever and sweep side to side.

**16. Maximum allowable working pressure (MAWP) of each loading arm, transfer pipe system, and hose assembly**

Regulation: 33 CFR 154.310(a)(16)

This is the section of your Facility Operations Manual where you will list the Maximum Allowable Working Pressure for the components of your transfer system. The regulation specifically requires you to show “The maximum allowable working pressure (MAWP) of each loading arm, transfer pipe system, and hose assembly required to be tested by §156.170 of this chapter, including the maximum relief valve pressure setting (or maximum system pressure when relief valves are not provided) for each transfer system.”

In order to have a good understanding of what is required to be tested you will need to refer to 33 CFR 156.170, which covers “Equipment tests and inspections.” Briefly, this regulation states no person may use any nonmetallic

transfer hose, relief valve, pressure gauge, loading arm, transfer pipe system (including metallic hoses), or remote operating equipment for transfer operations unless the facility operator, “as appropriate, tests and inspects the equipment in accordance with” the regulations contained in this section. You will also find the specific testing criteria in this section along with the approved test medium and test intervals.

The MAWP of each loading arm and the transfer piping system is straightforward. You will simply list the MAWP established for each along with either the maximum relief valve setting **OR** the maximum system pressure when relief valves are not provided.

If your transfer system does not have a relief valve installed then your maximum system pressure should reflect what your maximum pump pressure is. If your facility uses gravity feed instead of a pump, then the maximum system pressure will have to be calculated based on the tank that generates the highest system pressure that you use to conduct transfers.

The MAWP of hose assemblies is a little more complicated and you must refer to 33 CFR 154.500 for the detailed requirements for hose assemblies which includes hoses marking requirements, hose records, types of connections required, and minimum design burst pressures.

This regulation states, “The maximum allowable working pressure (MAWP) for each hose assembly **must be more than** the sum of the pressure of the relief valve setting (or the maximum pump pressure when no relief valve is installed) plus the static head pressure of the transfer system, **at the point where the hose is installed.**”

Example of hose assembly MAWP:

Using the following formula you would be able to determine the system pressure at the point where the hose is installed. Based on the results of the formula, the MAWP of the hose assembly must be at least 71 psi. Remember, the MAWP of the hose assembly **MUST BE** greater than the pressure at the point where the hose is installed.

Pressure Relief Valve	55 psi
Static Head Pressure	<u>+ 15 psi</u>
Total pressure at the point where the hose is installed	= 70 psi

It is a very good idea to show the formula you used to determine the MAWP of your hose assemblies in your Facility Operations Manual. This will allow the Coast Guard to ensure your hoses meet the minimum MAWP requirements for your system.

Example:

16. Maximum allowable working pressure (MAWP) of each loading arm, transfer pipe system, and hose assembly:

The MAWP for each part of the transfer system is as follows:

Loading arms

Loading arms are not used at this facility

Transfer Pipe System

All transfer piping systems 75 psi

Pressure Relief Valve Setting

All pressure relief valves 70 psi

Hose Assemblies

All hose assemblies 100 psi

The hose assembly MAWP was determined by the following:

Pressure Relief Valve	70 psi
Static Head Pressure at connection point	+ 15 psi
Total system pressure at the point where the hose assembly is installed	= 85 psi

## 17. Procedures

Regulation: 33 CFR 154.310(a)(17)

This is one of the more important sections in your Facility Operations Manual. Here you will need to list detailed step by step procedures for:

- (i) Operating each loading arm including the limitations of each loading arm;
- (ii) Transferring oil or hazardous material;
- (iii) Completion of pumping; and
- (iv) Emergencies.

Example:

17. Procedures for:

i.) **Operating loading arms**

This facility does not have any loading arms.

ii.) **Transferring oil or hazardous material**

1. Check transfer site

- a. Secure and check the area around transfer area
- b. Check availability of spill response equipment and supplies
- c. Anticipate what to do and who to call in case of a spill
- d. Identify drainage paths and locate nearby storm drains

2. Contact vessel

- a. Identify Vessel Person in Charge
- b. Agree on the use of common language for communications
- c. Establish and test adequacy of communications devices
- d. Check that vessel moorings are secure
- e. Check for closed overboard discharges, including sea suction valves, on vessel

3. Check equipment and make connections

- a. If any part of the transfer operation will be between sunset and sunrise then portable lighting will need to be set up and properly shielded. Procedures for shielding the lighting are contained in section 20 of this manual.
- b. Inspect hoses for damage
- c. Deploy and support hose of sufficient length to reach the vessels manifold
- d. Make proper hose connections at transfer manifold and at vessel
- e. Check discharge containment, empty if necessary
- f. Align and check transfer piping valves

4. Pre-Transfer Conference

- a. Hold face-to-face Pre-Transfer Conference with Vessel Person in Charge
- b. Agree on types and quantities of oil products to be transferred
- c. Agree on safe transfer rates
- d. Review vessel loading plan and need to stop while topping off or switching tanks
- e. Identify vessel personnel on-duty during transfer and time of any watch change
- f. Agree on Emergency Shutdown signals and procedures
- g. Complete and sign the Declaration of Inspection
- h. Double check operability of communications systems
- i. Agree with vessel Person in Charge to begin transfer

5. Start of transfer

- a. Begin transfer by opening valves to start the flow to the vessel
- b. Start with low flow and check for proper connections, valve alignment and leaks
- c. After thorough system check, slowly bring flow rate to normal operating rate

6. During transfer operation

- a. Monitor transfer operation continuously
- b. Check transfer pressure and adjust as necessary
- c. Check valves, fittings and connections for leaks
- d. Check water surface for signs of oil in the water

7. Stop the transfer operation if:

- a. Oil is spilled outside of the containment onto the ground or into the water
- b. Communications or power is lost
- c. Lighting becomes inadequate
- d. Weather turns bad (such as during an electrical storm)

iii) **Completion of Transfer**

1. Procedure for completing the transfer operation:

- a. Stop the flow from the facility
- b. Close all valves on the facility associated with the transfer
- c. Verify with the Vessel's Person in Charge that transfer operations is shut down
- d. Drain transfer hoses
- e. Close valves on the vessel
- f. Disconnect, drain, cap hose ends, and properly stow all equipment
- g. Remove any discharged oil or hazardous material from the discharge containment system.

iv) **Emergencies**

1. In an emergency, the shutdown procedure is:

- a. Alert the vessel's Person in Charge
- b. Activate the emergency shutdown to close all valves on the facility
- c. Ensure vessel's valves are closed
- d. Secure any possible sources of ignition
- e. In case of fire or explosion, call 911 and evacuate the area
- f. In case of injuries, call 911 and if possible, administer first aid.
- g. In case of oil spill, call the Coast Guard at 503-240-9301 and activate the Emergency Response Plan

## 18. Procedures for reporting and initial containment of oil or hazardous material discharges

Regulation: 33 CFR 154.310(a)(18)

Hopefully you will never need to use this section of your Facility Operations Manual but, just in case, you are required to include procedures for reporting a discharge and the initial steps are to be taken to contain a discharge.

Ideally, you should include a checklist for collecting the information needed to make accurate notification to the proper authorities but at a minimum you should list Federal, state and local authorities you are required to notify.

You must also include procedures the Person in Charge is required to follow to initially contain any discharges.

Example:

### 18. Procedures for reporting and initial containment of oil or hazardous material discharges:

If there is a discharge of oil or hazardous material at the ABC-XYZ Marine Terminal, the Person in Charge shall collect the following information:

Name of the facility:	<b>ABC-XYZ Marine Terminal</b>
Address:	<b>1 Waterfront Way Portland, OR 97213</b>
Phone Number:	<b>503-555-1212</b>
Body of water affected:	<b>Willamette River</b>
Name of reporter:	
Current weather:	
Type of product spilled:	
Quantity of product spilled:	
Source of the spill:	
Cause of the spill:	
Containment action(s) taken:	

Once you have collected as much of the above information as possible, contact the following agencies and personnel:

U.S. Coast Guard	National Response Center (Spill Reports) Captain of the Port – Portland	800-424-8802 503-240-9301
Oregon	Oregon Emergency Management From Washington State Department of Environmental Quality	800-452-0311 503-378-6377 503-229-5263
Washington	Department of Emergency Management Department of Ecology	800-258-5990 360-407-6300
Local	Police Department Fire Department	911 911



Spill Contractor	ABC Spill Clean-up (Dispatch)	800-555-1212
ABC-XYZ Marine Terminal	I.M. DeBoss, President <b>(QI)</b>	503-555-1212 (Office) 503-666-1212 (Home) 503-777-1212 (Cell)
	I.M. DeBoss Jr., Vice-President <b>(QI)</b>	503-111-1212 (Office) 503-222-1212 (Home) 503-333-1212 (Cell)
	Noel Spill, Plant Manager	503-444-1212 (Office) 503-888-1212 (Home)
Procedures for initial containment:		
<p>The Person in Charge shall secure the source of the discharge as soon as possible, if it is safe to do so. After the source of the discharge has been secured, the Person in Charge, along with facility personnel, will deploy the containment boom located in the boathouse in accordance with Appendix C, Facility Booming Plan. After the boom is deployed, take any other measures necessary to contain and begin clean up of the discharge until ABC Spill Clean-up arrives and takes over the clean-up operation, if it is safe to do so.</p> <p>Remember the <b>PRIMARY OBJECTIVE</b> is safety of life. Next, keep the spilled product from going into the water. Remember your annual spill training! A trained response crew will be on scene within one hour.</p> <p><b>Note: Under no circumstances shall the transfer be restarted after any discharge without the permission of the U.S. Coast Guard.</b></p>		

## 19. A brief summary of applicable Federal, state, and local oil or hazardous material pollution laws and regulations

Regulation: 33 CFR 154.310(a)(19)

Section 19 of your Facility Operation Manual a summary of applicable Federal, state and local laws and regulations that pertain to discharges of oil and/or hazardous materials. If your facility is located on a body of water that borders two different state or local jurisdictions, such as the Columbia River, you need to include the laws and regulations for both jurisdictions.

As you put this section together remember, all that is required is a brief summary of the laws and regulations. You do not have to include a detailed summary or recite the law or regulation in its entirety. The purpose of this section is to make the Person in Charge aware of what laws and regulations they must adhere to during a transfer and, more importantly, what their legal responsibility is if there is a discharge.

Example:

19. A brief summary of applicable Federal, state, and local oil or hazardous material pollution laws and regulations:

### **Federal Pollution Laws**

The 1972 Federal Water Pollution Control Act (33 U.S.C. 1251 et seq), as amended (Clean Water Act of 1977 and Oil Pollution Act of 1990), prohibits the discharge of “harmful quantities” of oil or oily products into the navigable waters, or their tributaries, of the United States. “Harmful quantity” is defined as “any amount that produces a slick, sheen (rainbow color), or emulsion on the surface of the water.”

Violations can result in criminal prosecution or a civil penalty for each offense, multiplied by each day of the violation. This applies to both individuals and organizations. The spiller is also strictly liable for all cleanup costs, damage to other property, and environmental damage.

Federal law also requires that every spill be reported to the U.S. Coast Guard or the Environmental Protection Agency. Failure to report an oil spill is a criminal penalty punishable by fine and/or imprisonment.

Section 4301 of the Oil Pollution Act of 1990 (Public Law 101-380), referred to as OPA 90, has significantly increased the civil and criminal penalties under the Federal Water Pollution Control Act (Clean Water Act). Civil penalties now include up to \$25,000 a day for each day of the violation or up to \$1,000 per barrel of oil discharged. Criminal penalties include fines up to \$500,000 and/or up to 25 years of imprisonment. See 18 USC. 3553, 3559, 3572; 33 USC. 1321(b); 46 USC. 2303, 3318, 3718, 5116; 33 CFR 153.205 for additional information.

In addition, failure to comply, cooperate or clean up the spill can be extremely costly. Under the oil pollution liability and compensation requirements in OPA 90, the responsible party (spiller) can be held liable for up to three times the costs incurred for the clean up and could lose all defenses to liability and limits of liability.

The U.S. Coast Guard and the Environmental Protection Agency enforce Federal laws and regulations concerning pollution.

### **State Pollution Laws**

#### **Washington**

R.C.W. 90.56.320 prohibits oil pollution in any manner whatsoever; regardless of whether it be the result of intentional or negligent conduct, accident or other cause. Any discharge of oil, oily materials, or other hazardous substances into the water must be reported immediately, and steps taken to cleanup the spill.

Provision is made in the state law for fines and penalties, which can range to \$100,000 per incident, per day, for each day the spill poses risks to the environment. The spiller is also liable for the cost of the cleanup and reimbursement for environmental damage.

R.C.W. 88.40.020 also requires any vessel over 300 gross tons that transports petroleum products as cargo, to provide evidence of financial responsibility in the amount of the greater of \$1,000,000 or \$150 per gross ton of such vessel to meet liability requirements for spill cleanup costs, fines and penalties, and natural resource damages.

Washington state laws and regulations concerning oil pollution are enforced by the Washington State Department of Ecology (WDOE) and the Washington State Office of Marine Safety (OMS).

### **Oregon**

OAR 340-47-015 prohibits oil pollution in any manner whatsoever; regardless of weather it be the result of intentional or negligent conduct, accident or other cause. Any discharge of oil, oily materials, or other hazardous substances into the water must be reported immediately and steps taken to cleanup the spill.

If the spiller is unknown, fails to respond, or the response is considered to be inadequate, the state or federal agency having jurisdiction may exercise the authority to take over the response and recover expenses from the spiller (OAR 340-108-070).

Under OAR 340-108-070, any person who fails to cleanup a oil or hazardous material spill immediately, when under obligation to do so, is responsible for the expenses incurred by the Department of Environmental Quality (DEQ) in carrying out a cleanup project. Any person who does not make a good faith effort to carry out a cleanup is liable to the DEQ for damages not to exceed three times the amount of all expenses incurred by the DEQ.

Oregon state laws and regulations concerning oil pollution are enforced by the Oregon State Department of Environmental Quality.

### **Local Pollution Laws**

There are no local pollution laws applicable to this facility.

## **20. Procedures for shielding portable lighting authorized by the Captain of the Port.**

Regulation: 33 CFR 154.310(a)(20)

This section of the regulations requires you to provided “procedures for shielding portable lighting authorized by the Captain of the Port under §154.570(c)” but first lets look at the lighting requirements.

The lighting requirements are listed in 33 CFR 154.570(a), which requires you to provide adequate fixed lighting at your facility when transfer operations will be conducted between sunset and sunrise that adequately illuminates:

- (1) “Each transfer connection point on the facility;
- (2) Each transfer connection point in use on any barge moored at the facility to or from which oil or hazardous material is being transferred;
- (3) Each transfer operations work area on the facility; and
- (4) Each transfer operation work area on any barge moored at the facility to or from which oil or hazardous material is being transferred.”

The Captain of the Port may authorize portable lighting to be used to meet the above requirements. 33 CFR 154.570(c) states, “For small or remote facilities, the COTP may authorize operations with an adequate level of illumination provided by the vessel or by portable means.”

Now you ask, what does all of this mean? Simply put, if you do not conduct any transfers between sunset and sunrise or if your facility is a “fixed” facility that has fixed lighting installed, this section does not apply to you and you will need to state that in your Facility Operations Manual.

On the other hand, if you operate a “fixed” facility or a Mobile Facility that transfers between sunset and sunrise, and rely on the vessels lighting or portable lighting to meet the illumination requirements, then you must have approval from the Captain of the Port and provide procedures for shielding the lighting.

The next question you have is probably, what is shielding? Shielding is defined in 33 CFR 154.570(d), which states, “Lighting must be located or shielded so as not to mislead or otherwise interfere with navigation on the adjacent waterways.”

What all of this means to you is if you use the vessels lighting or portable lighting to illuminate the transfer connection point and/or the transfer operation area, you must shield the lighting so it can not be mistaken for a navigation or marker light. You must also shield the lighting so that it will not interfere with navigation on the adjacent waterway, such as blinding the crew of a passing vessel.

Please note that before you can use a vessel’s lighting or portable lighting to meet the requirements of this section, you must submit a written request to the Captain of the Port and receive written approval back from the Captain of the Port.

Example that does not use portable lighting:

20. Procedures for shielding portable lighting authorized by the Captain of the Port:

This facility has fixed lighting installed and does not use vessel lighting or portable lighting to meet the illumination requirements.

OR

This facility does not conduct transfers between sunset and sunrise.

Example that does use portable lighting:

20. Procedures for shielding portable lighting authorized by the Captain of the Port:

This facility uses portable lighting or the vessels lighting to meet the lighting requirements of 33 CFR 154.570, as authorized by the Captain of the Port.

Portable lighting shall be used when any part of the transfer operation will take part between sunset and sunrise and the vessels lighting is either not available or inadequate. When using portable lighting, the following procedures will be used to properly shield the lighting:

1. Determine where the portable lighting must be place to properly illuminate the transfer connection and the transfer operations area.
2. Setup lighting and run wiring. When running the wiring, be careful with the placement of the cable to prevent a tripping hazard.
3. Once lighting is setup, aim the lights so they do not shine directly towards the waterway beyond the vessel so that it will blind the crews of other vessels.
4. If you must aim the portable lighting so some of the light is pointing towards the waterway, then adjust the shields built into the side of the light to prevent it from blinding other vessels transiting the waterway.

If the vessel floodlights are used to illuminate the transfer connection and/or the transfer operations area and the light shines into the adjacent waterway in such a way that it would interfere with other vessels, then the vessel's floodlight will have to be shielded also. To shield the vessel's lighting:

1. If the vessel has shields installed on their floodlight then have the vessel personnel adjust them as necessary.
2. If the vessel does not have shields installed on their floodlight then ask the vessel personnel to temporarily install clip-on shields to their floodlight to prevent the light from interfering with other vessels.

## 21. Description of the training and qualification program for persons in charge

Regulation: 33 CFR 154.310(a)(21)

This regulation requires you to describe the training and qualification program that your facility uses to qualify Persons in Charge. You should use 33 CFR 154.710, “Persons in charge: Designation and qualification” as a guide in developing your training and qualification program. The Coast Guard will use 33 CFR 154.710 to determine if your program meets the requirements.

Your qualification program must show that each Person in Charge “has had at least 48 hours of experience in transfer operations at a facility in operations to which this part applies.” Simply put, you must either provide each Person in Charge with 48 hours of transfer experience or certify they have at least 48 hours of transfer experience at another facility that is regulated by 33 CFR Part 154.

Example:

### 21. Description of the training and qualification program for persons in charge:

The training of personnel at ABC-XYZ Marine Terminal is accomplished through on-the-job training with other qualified personnel. Any person being qualified as a Person in Charge for transfer operations at this facility must complete a minimum of 48 hours of hands on training under the direct supervision of a qualified Person in Charge. The trainee must also demonstrate their knowledge of the following:

1. The hazards of each product to be transferred;
2. The rules and regulations in 33 CFR Parts 154 and 156;
3. The facility operating procedures as described in this operations manual;
4. Vessel transfer systems, in general;
5. Vessel transfer control systems, in general;
6. Each facility transfer control system to be used;
7. Local discharge reporting procedures;
8. Facility’s response plan for discharge reporting and containment; and
9. Demonstrate the proper procedure for completing a “Declaration of Inspection”

After the training program has been satisfactorily completed, the trainee will be designated as a Person in Charge and given evidence of their designation. Each Person in Charge is responsible for producing evidence of their designation if requested by the Coast Guard, Management or other government agencies. Failure to do so may subject you to a penalty or fine.

## 22. Hazardous material transfer hose markings.

Regulation: 33 CFR 154.310(a)(22)

If your facility transfers hazardous materials in bulk then you must include, “Statements explaining that each hazardous materials transfer hose is marked with either the name of each product which may be transferred through the hose or with letters, numbers, symbols, color codes or other system acceptable to the COTP representing all such products and the location in the Operations Manual where a chart or list of symbols utilized is located and a list of the compatible products which may be transferred through the hose can be found for consultation before each transfer.”

This regulation does not apply if you only transfer oil products in bulk. If your facility only transfers oil products then simply state that in your manual.

If your facility does handle hazardous materials, not including oil, then each transfer hose must be marked with the name of the product or products that it can be used for.

As an alternative, you can mark your hazardous material hoses with a code letters, numbers, symbols, colors or other approved system. If you use this alternative marking system, you must explain the marking system and include a chart or table showing the code and a list of the compatible products the hoses can be used for in your Facility Operations Manual.

Example for a facility that only handles oil products:

### 22. Hazardous material transfer hose markings:

This section does not apply. This facility does not handle hazardous materials.

Example for a facility that transfers hazardous materials.

### 22. Hazardous material transfer hose markings:

This facility uses a coding system to mark each hazardous material transfer hoses. Each hose used to transfer hazardous materials in bulk is marked with a unique three digit number to identify it. A chart is located in Appendix E of this manual that lists each hose individually, by ID number, along with what products the hose can be used for.

Prior to a transfer operation, this chart will be consulted to ensure the product currently being transferred is compatible with the products the hose was previously used to transfer.

## 23. Tank cleaning or stripping operations

Regulation: 33 CFR 154.310(a)(23)

This is the last of the twenty-three required items to be included in your Facility Operations Manual. This section is “For facilities that conduct tank cleaning or stripping operations” and requires them to provide “a description of their procedures.”

You only have to provide procedures if your facility conducts tank cleaning or stripping operations on vessels.

If your facility does not conduct tank cleaning or stripping operations on vessels then state that in your operations manual.

Example:

23. Tank cleaning or stripping operations:

This facility does not conduct tank cleaning or stripping operations on vessels.

## Vapor recovery systems

Regulation: 33 CFR 154.310(b)

This section is not one of the twenty-three sections you are required to include in your Facility Operations Manual unless your facility has a vapor recovery system installed to recover vapors from a vessels cargo tanks. If your facility does not have a vapor recovery system installed then you can ignore this requirement.

The regulation specifically states, “If a facility collects vapors emitted from vessel cargo tanks for recovery, destruction, or dispersion, the operations manual must contain a description of the vapor collection system at the facility which includes:

- (1) A line diagram or simplified piping and instrumentation diagram (P&ID) of the facility’s vapor control system piping, including the location of each valve, control device, pressure-vacuum relief valve, pressure indicator, flame arrester, and detonation arrester; and
- (2) A description of the vapor control system’s design and operation including the:



- (i) Vapor line connection;
- (ii) Startup and shutdown procedures;
- (iii) Steady state operating procedures;
- (iv) Provisions for dealing with pyrophoric sulfide (for facilities which handle inerted vapors of cargoes containing sulfur);
- (v) Alarms and shutdown devices; and
- (vi) Pre-transfer equipment inspection requirement.”

### **Approved amendments to the Facility Operations Manual**

Regulation: 33 CFR 154.310(c)

If you amend your Facility Operations Manual, and the amendments are approved by the Captain of the Port, you are required to “incorporate a copy of each amendment to the operations manual under §154.320 in each copy of the manual with the related existing requirement, or add the amendment at the end of each manual not related to an existing requirement.”

In other words, if your amendment is to one of the twenty-three required sections in the operations manual then you would remove the old version of the section and replace it with the amended version.

If your amendment is not one of the required sections then you would add the amendment to the end of your operations manual.

### **Order of the sections in the Facility Operations Manual**

Regulation: 33 CFR 154.310(d)

This is the one requirement for the Facility Operations Manual that seems to cause the most problems. The regulation states, “The operations manual must be written in the order specified in paragraph (a) of this section, or contain a cross-referenced index page in that order.”

Under this regulation you have two choices. You can write your operations manual in the order the sections are list in 33 CFR 154.310(a), as was done in this

guide **OR** you can have the sections in any order you want but you **MUST** include a cross-referenced index page.

If you choose to use a cross-referenced index page in your operations manual then the sections **MUST** be listed on the index page in the order the sections are listed in 33 CFR 154.310(a) with the page number of its location in your manual.

One advantage to using a cross-referenced index page is if a section does not apply to your facility then you can list the page number as “N/A”. This would save you from including the section in the manual stating it does not apply.

Example of a cross-referenced index page:

**ABC-XYZ Marine Terminal Operations Manual  
Cross-Referenced Index Page**

Section	Description	Page
1.	Geographic location.....	1
2.	Physical description.....	1
3.	Hours of operation.....	2
4.	Size, type and number of vessels.....	2
5.	Product information.....	3
6.	Minimum number of personnel on duty during a transfer ..... and their duties	4
7.	Names and numbers of who to call in an emergency .....	6
8.	Duties of the Watchman for unmanned vessels .....	7
9.	Description of each communication system .....	8
10.	Location and facilities of each personnel shelter .....	8
11.	Description and instructions for the use of drip and ..... discharge collection and vessel slop reception facilities	9
12.	Description and the location of each emergency shutdown..... system	10
13.	Monitoring Devices .....	N/A
14.	Quantity, type, location, and instructions for use, and time ..... limits for gaining access to containment equipment	11
15.	Quantity, type, location, and instructions for use of fire ..... extinguishing equipment	12
16.	Maximum allowable working pressure (MAWP) of each..... loading arm, transfer pipe system, and hose assembly	13
17.	Procedures .....	14
18.	Procedures for reporting and initial containment of oil or hazardous material discharges .....	15
19.	A brief summary of applicable Federal, state, and local oil or ..... hazardous material pollution laws and regulations	17
20.	Procedures for shielding portable lighting authorized by ..... the Captain of the Port	N/A
21.	Description of the training and qualification program for ..... persons in charge:	19
22.	Hazardous material transfer hose markings.....	N/A
23.	Tank cleaning or stripping operations .....	N/A

## **Amending the Operations Manual**

Regulation: 33 CFR 154.320 Operations manual: Amendment

Even the best written Facility Operations Manual will need to be amended at some point. There are two methods used to amend a Facility Operations Manual. The first method is at the direction of the Captain of the Port and the second method is at the request of the facility operator. Both methods will be explained here.

### **1. Amendments required by the Captain of the Port**

Under the regulations “the Captain of the Port may require the facility operator to amend the operations manual if the Captain of the Port finds that the operations manual does not meet the requirements in this part.” If the Captain of the Port does find that your Facility Operations Manual does not meet the requirements then you will be notified in writing. This written notification will be in the form of either a “Facility Inspection Report” issued to the facility during a facility examination or by a letter from the Captain of the Port.

When you have received written notification of any inadequacies in your Facility Operations Manual, you have 45 days from the date of the notice to submit written information, views, and arguments regarding the inadequacies identified and proposals for amending your Facility Operations Manual.

After considering all relevant information submitted, the Captain of the Port will notify the facility operator of any amendment required or adopted, or the Captain of the Port may rescind the notice. If an amendment is required or adopted, it will automatically become effective 60 days after the Captain of the Port has notified you, unless you want to appeal it.

You can petition the Commandant of the Coast Guard to review the Captain of the Port notice. Petitions to the Commandant must be in writing and submitted through the Captain of the Port that originally issued the notice. If a petition is filed with the Commandant, the amendments will not become effective until a final determination has been made on your petition request.

If the Captain of the Port finds a condition that requires immediate action to prevent a discharge, or risk of discharge, of oil or hazardous materials and following the above procedure is impractical or contrary to public interest, the Captain of the Port may issue an amendment effective immediately. The facility operator still has the right to petition the Commandant of the Coast Guard to review the amendment but the petition does not delay the implementation of the amendment.

## **2. Amendments at the request of the Facility Operator**

The regulations also allow facility operators to propose amendments to their Facility Operations Manuals for approval from the Captain of the Port. Unless the amendment must be implemented immediately, you are required to submit your proposed amendments at least 30 days before the requested effective date.

When submitting a proposed amendment to the Captain of the Port for review, include the reason for the amendments. If you are requesting the proposed amendment to be immediately implemented, you are required to include your reasons for the urgent request.

Once the Captain of the Port has reviewed your proposed amendments, written notification of approval or disapproval will be sent to you. If the proposed amendments are disapproved, an explanation of why they were not approved will be included.

If the proposed amendment is to be implemented immediately, the Captain of the Port will notify you upon receipt whether the proposed amendment is approved or rejected.

## **3. Amendments not requiring approval by the Captain of the Port**

The only type of amendment that does not require an approval for the Captain of the Port is when updating your Personnel and Telephone number lists required in section 7 of your Facility Operations Manual. You must submit any changes to the list but it does not have to be submitted as a formal amendment and the Captain of the Port does not have to notify you in writing if it is accepted.

## **Having your Facility Operations Manual examined**

Regulation: 33 CFR 154.325 Operations manual: Procedures for examination

Normally, when submitting your Facility Operations Manual for review to the Captain of the Port, two copies are required but, it is generally acceptable to submit only one copy for review. Send the Facility Operations Manual to the Captain of the Port of the zone your facility is located or the zone where operations will be conducted if it is a Mobile Facility. The two situations requiring you to submit a complete Facility Operations Manual is upon establishing a new facility or when reactivating a facility that has been in a caretaker status.

## **1. Submitting a Facility Operations Manual for a new facility**

When submitting your Facility Operations Manual for a new facility, submit the manual at least 60 days before transfer operations are to begin. You will also need to include the letter of intent with the manual submitted to the Captain of the Port.

## **2. Submitting a Facility Operations Manual for a facility in caretaker status**

If your facility is in a caretaker status and you desire to reactivate it, you are required to submit a copy of your Facility Operations Manual to the Captain of the Port at least 30 days before transfer operations are to begin. The only exception is if the previously approved Facility Operations Manual is still current, has not had any changes and meets the current regulations, then you can submit a letter stating that instead of resubmitting your manual.

## **3. When your Facility Operations Manual is approved**

After your Facility Operations Manual has been reviewed, and the Captain of the Port has determined it meets the requirements of 33 CFR Parts 154 and 156, a copy of the cover page will be returned stamped with the statement “Examined by the Coast Guard.”

You are responsible for making sure a copy of the cover page with the approval stamp is inserted in each copy of your Facility Operations Manual.

## **4. When your Facility Operations Manual is not approved**

If the Captain of the Port determines your Facility Operations Manual does not meet the requirements of 33 CFR Parts 154 and 156, the manual will be returned to you with an explanation of why does not meet the requirements. Once the required corrections have been made, resubmit the manual for review.

## **5. Using your Facility Operations Manual before it is approved**

It is a violation of Federal law to “use any Operations Manual for transfer operations as required by this chapter unless the Operations Manual has been examined by the Captain of the Port.” **Do not use your Facility Operations Manual until it has been approved.**

## 6. When your Facility Operations Manual is voided

A Facility Operations Manual is voided if the facility operator:

- (1) “Amends the Operations Manual without following the procedures in §154.320 of this part;
- (2) Fails to amend the Operations Manual when required by the Captain of the Port;  
or
- (3) Notifies the Captain of the Port in writing that the facility will be placed in caretaker status.”

If your Facility Operations Manual becomes voided for any reason **DO NOT** use it for transfer operations or else your facility will be subject to civil and/or criminal penalties. Before you can begin to use a Facility Operations Manual that has become void you are required to have authorization from the Captain of the Port or resubmit your manual following the procedures in this section for examination and approval.